

UNITED STATES OF AMERICA  
EASTERN DISTRICT OF NEW YORK

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CRAIG WILLIAMS

Petitioner,

-against-

**ORDER**

Civil Action No. 03-3790

UNITED STATES OF AMERICA,

Respondent.

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On May 11, 1994, judgment was entered against Petitioner Craig Williams (“Petitioner”) convicting him of conspiring to commit armed robberies, substantive counts of armed robbery, counts of using and carrying a firearm during a crime of violence and assault and attempted murder of a member of the New York City Police Department/Federal Bureau of Investigation Joint Armed Bank Robbery Task Force. Petitioner was sentenced to more than 160 years incarceration. On appeal, his conviction was affirmed. *See United States v. Williams*, 101 F.3d 683 (2d Cir. 1996).

On July 31, 2003, Petitioner moved pursuant to 28 U.S.C. § 2255 to vacate, set aside or correct his sentence arising from his 1994 conviction. By Order dated October 17, 2003, this Court dismissed the § 2255 motion as untimely. Thereafter Petitioner moved to alter the judgment entered pursuant to the Court’s October 17, 2003 Order. The motion to alter the judgment was denied by Order dated December 5, 2003. Petitioner appealed and requested the issuance of a certificate of appealability. On May 20, 2004, the Second Circuit denied the request for a certificate of appealability, stating that the § 2255 motion was untimely filed, and dismissed the appeal.

Presently before the Court is Petitioner's "motion to vacate the judgment denying the 28 U.S.C. 2255 motion" (docket nos. 13, 14, and 15, as supplemented by docket no. 17 ). The motion seeks to add claims to the original petition. The motion is DENIED. As set forth above, the Second Circuit has confirmed that Petitioner's § 2255 motion was untimely. Also, to the extent the Petitioner is now seeking to assert a claim pursuant to *United States v. Booker*, 543 U.S. 220 (2005), *Booker* does not apply retroactively to cases on collateral review. *See Guzman v. United States*, 404 F.3d 139 (2d Cir. 2005); *Green v. United States*, 397 F.3d 101, 103 (2d Cir. 2005).

**SO ORDERED**

Dated: Central Islip, New York  
May 3, 2007

/s/

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Denis R. Hurley  
Senior District Judge